

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

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BILLY D. FRAZIER, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

PJ IOWA, L.C.

Defendant.

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NO. 4:17-cv-00160-JEG-HCA

PLAINTIFF’S MOTION FOR LEAVE TO  
FILE FIRST AMENDED COMPLAINT  
AND STATES

COMES NOW the plaintiff and moves for leave to file a First Amended Complaint and states:

1. Plaintiff seeks leave to file the attached First Amended Complaint. Plaintiff’s First Amended Complaint adds Angela Kearns as a named plaintiff.

2. No scheduling and discovery plan has been filed in this matter. Thus there are no other existing court-imposed deadlines and no final pretrial conference or trial has been scheduled.

3. The undersigned has conferred in good faith with defense counsel about this motion. Defendant objects to this motion because Plaintiff’s First Amended Complaint includes Billy Frazier as a named plaintiff.

WHEREFORE, Plaintiff respectfully requests that the Court grant Plaintiff's Motion For Extension Of Time.

/s/ Harley C. Erbe

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### **CERTIFICATE OF SERVICE**

I hereby certify that on July 19, 2017 I electronically filed the foregoing with the Clerk of Court using the ECF system, which will send notification of such filing to the above counsel of record.

/s/ Harley C. Erbe

Harley C. Erbe